#13/Response (NE) 12.3.02 C.Moore

PATENT

Docket No.: D414

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Takeshi Nogami	: Confirmation No.:	7243
Serial No.:	09/579,340	: Art Unit:	2814
Filed:	5/25/2000	: Examiner:	Vikki H. Trinh
For:	INTEGRATED CIRCUIT CHIP WITH HIGH-ASPECT RATIO VIAS	:	

Box AF
Commissioner for Patents
Washington, D. C. 20231

RESPONSE AND REQUEST FOR RECONSIDERATION

Sir:

The following Remarks are submitted in response to the Final Office Action dated Oct. 2, 2002.

REMARKS

Response to Arguments

It is respectfully submitted that the Examiner is applying obsolete law and an incorrect standard for the 35 USC §103(a) rejections in this case.

Of the cases cited by the Examiner: Graham v. John Deere Co. is a 1966 case; *In re* McLaughlin is a 1971 case; and *In re* Bozek is a 1969 case.

On January 18, 2002, the Court of Appeals for the Federal Circuit (CAFC) vacated a judgment of the Board of Patent Appeal and Interferences in *In re* Sang-Su Lee, 277 F.3d 1338 (Fed. Cir. 2002) because the Board had erroneously held that "the conclusion of obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint or suggestion in a particular reference." This conclusion is analogous to the standard the Examiner is applying in relying on *In re* McLaughlin, supra.